

ORDERS ON APPLICATION IA
NO. 14 AND 15.

The Defendant has files applications Under Section 151 of CPC for reopen the case and Under Order 18 Rule 17 of CPC to recall the PW-1 in order to further cross examination of PW-1.

In the affidavits which enclosed to applications wherein, it is stated that, the case posted for arguments to 17.03.2026, on that day his counsel partly cross examined the PW-1 and same day he was not feeling well. Hence, he could not give proper instructions to his counsel. Hence, he could not fully cross examine the PW-1. Hence, further cross examination of PW-1 is required in order to prove the case of the Defendant. Hence, prays for allow the applications.

On the other hand counsel for Plaintiff filed objection to the application filed by the Defendant.

Heard arguments and perused record. It is noticed from the pleading of the parties the Plaintiff filed the suit for Specific Performance of Contract on the basic of Unregistered Agreement of Sale dated 20.09.2021.

On the other hand the Defendant has appeared before this court through his counsel and filed written statement.

On rival claimants of the parties this court framed issues and fixed for trial. The trial was concluded and heard arguments and merits for the Plaintiff side. When case posted for Defendant arguments. The present application filed.

On the perusal of the affidavit which enclosed to the IA No. 14 and 15 the Defendant stated that, on 17.03.2026 his counsel was partly cross examined to the PW-1. Perused deposition of the PW-1 it is noticed that, the Defendant has cross examined to the PW-1 on 26.06.2025, 05.12.2025. On 05.12.2025 the counsel for Defendant has fully cross examined to the PW-1. Thereafter, two witnesses has been examined. Further record shows that, after closing the evidence of Plaintiff side the Defendant has lead evidence on 18.08.2025. On evidence of the both parties were concluded on 25.02.2026 and posted for arguments and Heard arguments on Plaintiff side. When case posted for Defendant side. The present application was filed.

On perusal of the affidavit which enclosed to the applications the Defendant has not assigned any sufficient grounds to allow the applications. Hence, this court is of the opinion that, the Defendant has not made out any sufficient ground to allow the applications.

Hence, applications filed by the Defendant is rejected.

For Defendant arguments.
Call on 02.06.2026.

Sr. Civil Judge and JMFC.,
K.R.Nagar.